

BOX CPA  
Attorney Docket No. 22789-XS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Douglas T. ROSS, et al.

Serial No.: 09/134,417

Filing Date: August 14, 1998

For: **PIPECOLIC ACID DERIVATIVES FOR VISION AND MEMORY DISORDERS**



Examiner: V. Kim

Art Unit: 1614

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**TRANSMITTAL FORM**  
**CONTINUED PROSECUTION APPLICATION**

Assistant Commissioner for Patents  
Box CPA  
Washington, D.C. 20231

Sir:

This is a Request for filing a  
X 37 CFR § 1.53(d) Continuation CPA  
       37 CFR § 1.53(d) Divisional CPA

of **prior** ("parent") application:

Serial No.: 09/134,417

Filed: August 14, 1998

Entitled: **PIPECOLIC ACID DERIVATIVES FOR VISION AND MEMORY DISORDERS**

- Enclosed for application under 37 CFR §§ 1.53(d) are:
- substitute specification (37 CFR § 1.125, include copy of old marked up specification)
  - pages of text (specification, claims, abstract)
  - claims
  - sheets of drawings (Tables)

**NOTES**

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b) and filed on or after June 8, 1997, or

10/02/2000 HAMMOND 00000082 09134417

01 FC:103

10.00 CR

01 FC:131  
02 FC:103

690.00 OP  
108.00 OP



(2) the national stage of an international application in compliance with 35 U.S.C. 371 and filed after June 8, 1995.

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR § 1.53(b) must be used to file a continuation, a divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. § 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR § 1.14 to access to, copies of, or similar information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. § 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. § 120 and to every application assigned the application number identified in such request, 37 CFR § 1.78(a).

- 
1.        Enter the unentered amendment previously filed on                       
                     under 37 CFR § 1.116 in the prior nonprovisional application.
  2.   X   A Preliminary Amendment is enclosed.
  3. The present application names the following inventor(s):  
Douglas T. ROSS, Hansjorg SAUER, Gregory S. HAMILTON, and  
Joseph P. STEINER.



4.        This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).  
a.        **DELETE** the following inventor(s) named in the prior nonprovisional application:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
b.        The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
5.        A new power of attorney or authorization of agent is enclosed.
6.        Information Disclosure Statement (IDS) is enclosed:  
a.        PTO-1449  
b.        Copies of IDS Citations  
\_\_\_\_\_

**The Total Filing Fee is calculated as follows:**

  X   Enter the Amendments filed in the prior patent application on   5/30/00   and   7/14/00   prior to calculating the filing fee.

(Col 1)			(Col 2)	SMALL ENTITY		OR	NON-SMALL ENTITY	
	NUMBER OF CLAIMS FILED		NUMBER OF EXTRA CLAIMS	RATE	FEE		RATE	FEE
TOTAL	26	minus 20	6	x9=	\$ _____		x18=	108.00
INDEP	1	minus 3	0	x39=	\$ _____		x78=	0.00
BASE FILING FEE:				+345=	\$ _____		+690=	690.00
<u>      </u> Multiple Dependent Claims				+130=	\$ 0		+260=	0.00
				TOTAL	\$ _____	OR TOTAL		798.00

7.        Applicant(s) is/are a "small entity". A Verified Statement Claiming Small Entity Status:  
a.        was filed in the prior nonprovisional application, and such status is still proper and desired;  
b.        is filed herewith;  
c.        will be filed at a later date.



8. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 14-0112:  
a. X Fees required under 37 CFR § 1.16 (filing).  
b.      Fees required under 37 CFR § 1.17 (processing).  
c.      Fees required under 37 CFR § 1.18 (issuance).
9. X A check including the above-indicated filing fee is enclosed.
10. X Assignment document(s) is/are submitted herewith, with a check including the recordation fee of \$40.00 per Assignment.
11.      No check is enclosed. A Declaration and Power of Attorney will be submitted at a later date pursuant to 37 CFR §§ 1.41, 1.53, together with a check for the "Total Filing Fee" calculated above and a surcharge under 37 CFR § 1.16(e).
12. X The prior application is currently assigned of record to Guilford Pharmaceuticals Inc., 6611 Tributary Street, Baltimore, Maryland 21224, the Assignment being recorded on August 14, 1998, on Reel 9389/Frame 0621.
13.      Foreign priority under 35 U.S.C. § 119 of                      application(s)                     , filed                     , is hereby claimed. The certified priority paper(s):  
     was/were filed in the parent case;  
     is/are enclosed herewith;  
     will be submitted at a later date.
14. X The power of attorney in the prior application is to Gary M. Nath, Reg. No. 26,965; Irvin A. Lavine, Reg. No. 16,838; Karen Lee Orzechowski, Reg. No. 31,621; Harold L. Novick, Reg. No. 26,011; Suet M. Chong, Reg. No. 38,104; Todd L. Juneau, Reg. No. 40,699; Patricia M. Drost, Reg. No. 29,790; Lee C. Heiman, Reg. No. P-41,827; Donald L. Sandler, Reg. No. 19,237; and Robert G. Lev, Reg. No. 30,280.
15. X If extensions of time under 37 CFR § 1.136 other than those provided herewith are required to prevent abandonment of the parent application, then such



extensions of time are hereby petitioned. The Commissioner is hereby authorized to charge fee deficiency under 37 CFR \$ 1.17, or credit any overpayment, to Deposit Account No. 14-0112. A duplicate copy of this Form is enclosed.

16.   X   The Commissioner is hereby authorized to charge any fee deficiency under 37 CFR §§ 1.16 and 1.17, or credit any overpayment, to Deposit Account No. 14-0112.
17.      A duplicate copy of this Form is enclosed.

Respectfully submitted,

**NATH & ASSOCIATES PLLC**

Date: September 29, 2000

**NATH & ASSOCIATES PLLC**

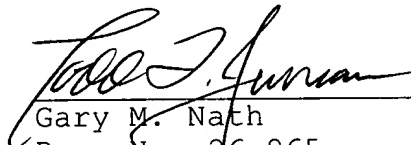
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